Published and Copyright (c) 2000
All Rights Reserved

Atari Online News, Etc.
A-ONE Online Magazine
Dana P. Jacobson, Publisher/Managing Editor
Joseph Mirando, Managing Editor

Atari Online News, Etc. Staff

Dana P. Jacobson -- Editor
Joe Mirando -- "People Are Talking"
Michael Burkley -- "Unabashed Atariophile"
Albert Dayes -- CC: Classic Chips

With Contributions by:

Kevin Savetz
Donald A. Thomas, Jr.

To subscribe to A-ONE, send a message to: dpj@delphi.com
and your address will be added to the distribution list.
To unsubscribe from A-ONE, send the following: Unsubscribe A-ONE
Please make sure that you include the same address that you used to subscribe from.

To download A-ONE, set your browser bookmarks to one of the following sites:

http://people.delphi.com/dpj/a-one.htm
http://www.icwhen.com/aone/
http://a1mag.atari.org
Coming Soon:
http://a1mag.b-squared.net

Visit the Atari Advantage Forum on Delphi!
http://forums.delphi.com/m/main.asp?sigdir=atari

=~=~=~=

A-ONE #0236 09/08/00

~ More Digital Antic! ~ People Are Talking! ~ AOL Going Mobile!
~ MS Loses E-mail Suit! ~ MP3.com Loses Big Time ~ SegaNet Launches!
~ Connectix Suit: March ~ Supreme Court Says No! ~ Kmart: Bring Parents
~ Donald Duck Is Loose! ~ eGames Loses vs Hasbro!~ Thomas Support Grows!

-* IBM Unveils New ThinkPad PCs *-
-* California Seeks Online Sales Tax! *-

-* Bristol Technology Kicks Microsoft’s Butt! *-

=~=~=~=

->From the Editor’s Keyboard "Saying it like it is!"
""""""""""""""""""""""""""""""

Ugh, what horrible weather we had here for the long Labor Day weekend! It was a disappointing last hurrah for summer! Oh well, it was something typical for New England; naturally, the days afterward were picture perfect!

Lots of interesting news this week, and we have it all for you. It appears that Microsoft was a 3-time loser this week. It lost its case against Bristol and also Harris. The third disappointment was that the Supreme Court failed to take any action with regard to its (Microsoft) antitrust case. Better luck next week, Bill!

First Napster, and now MP3.com . Looks like music on the web is taking a severe beating! And to wrap things out, California has filed a bill to add taxes for online sales. Let’s hope that they don’t set a precedent for the rest of us!

Since it was a "short" week, I’ll let you off easy this week so you can get to the best parts of this week’s issue!

Until next time...

=~=~=~=

Digital Antic Project - 8 new issues

We’ve added the full text of eight issues of Antic magazine to the Digital Antic Project. Here are the latest additions:

July 1983 - Vol. 2 No. 4 - Computing: the New Adventure
September 1986 - Vol. 5 No. 5 - Weather
February 1987 - Vol. 5 No. 10 - Word Processing
March 1988 - Vol. 6 No. 11 - Video Game Shootout
July 1988 - Vol. 7 No. 3 - Newsroom Comes To Atari
June 1989 - Vol. 8 No. 2 - Diamond Cartridge
October/November 1989 - Vol. 8 No. 6 - Money Magic!
February/March 1990 - Vol. 8 No. 8 - Atari Recorder

Our next project will be to get the full text of STart magazine online: if you’re an ST lover with a scanner, OCR software, and some time to spare, you can help. Send e-mail to savetz@northcoast.com.

I also need to find someone with an expertise in ST file munging and the ability to move STart disk files from old ST disks to the Internet.

http://www.atarimagazines.com

--Kevin Savetz
--
Kevin Savetz <savetz@northcoast.com>
Curator of the Digital Antic Project -- Classic Atari magazines on the Web
   http://www.atarimagazines.com
Moderator of news:comp.sys.atari.announce -- Atari computer news

=~=~=~=

PEOPLE ARE TALKING
compiled by Joe Mirando
jmirando@portone.com

Hidi ho friends and neighbors. I know that I didn't make a big deal about Labor Day last week other than to hoot about a three day weekend, but it was also the signaling of the end of summer.

It really hasn't been much of a summer, but what there was of it is behind us now. A few spots of "indian summer" and it'll be but a memory tucked in among all the other seasons with their few peculiarities, the only things to make them unique.

So, what have I done with my time this past week? Well, let's see... I broke a toe... nothing spectacular, mind you. I 'stubbed' it while hurrying to get ready for work. So I've spent the balance of the week hopping around and trying not to whack it on anything else.

Why is it that injured parts of the body usually become "bump magnets"? Just another one of life's little surprises I guess.

Well, let's see if there's anything surprising lurking about on the UseNet.

From the comp.sys.atari.st NewsGroup
==========

Chris Swinson asks:

"Apart from funet.fi ftp server, are there any other good ones [ftp servers] where I can upload Atari files to?"

Rob Mahlert of Atari-Users.Net tells Chris:

"I just started a ftp server on ftp.Atari-Users.net.

It's a new server, so we would appreciate ANY help filling it up with files. Just place them in the incoming folder and I will move them into

the public folder.

Please include a text file with a short description when you upload a file."

Steve Sweet asks Rob:

"What settings will i need for my mate Fiffi to be able to connect to this site."

Rob tells Steve (and the rest of us):

"This is an Anonymous ftp, use your complete e-mail address as password. The IP address is ftp://208.56.156.115, port 21 I believe. All uploads must be placed in the incoming directory. All I ask is you place a text file with the upload with a short description that I will use in the 0index file."

Chris Terry asks for help with his 1040:

"Can anyone help me? I'm looking for the cable to connect an Atari 1040st to a SH204 hard disk. I guess I will have to make a cable. What I need to know is the pinouts of the two devices. Does anyone know where I can find this information? Is it just a pin 1 to pin 1 etc connection?"

'Dr. John' tells Chris:

"Confirmed: It is a straight through connection.

You can make the 19 pin connector by removing the pins from a standard 25 pin, then clipping the shroud.

I always hot glue the connectors once made, stops them parting company later."

Richard Kilpartick tells the good doctor:

"ICD are selling DMA cables fairly cheaply... looks nicer, and doesn't require glue!"

Joakim Högberg posts this notice about AtariICQ:

"AtarICQ 0.143 and AICQ.OVL v36 are released!

Quite a lot of smaller changes are made, both some optional features you might like, and some improvements to reliability. For full details, go to my homepage.

http://gokmase.atari.org "

Derryck Croker tells Joakim:

"I witnessed a demo of ICQ at our last club meeting, I was quite impressed!

Will there be any chance of a version to work with IConnect or IFusion please?"

For those of you who don't know, ICQ (I Seek You) is a messenger

program. It’s a very easy way to chat with friends no matter where they are on the internet.

Lyndon Amsdon posts this news about the Milan:

"Just been over to http://www.woller.com and seen some new news about a TV card for the Milan. The software (and hardware I suppose) is called GEM TV and at V0.24, so it’s in its early stages.

There’s a screenshot that looks promising too. If I recall correctly, it costs 398DM with software and hardware card. It doesn’t say whether it’s for the Milan II but I would assume so; it just says "for the Milan".

Looking at the screenshot it looks like it uses Aniplayer for the sound (bottom left). I think that’s a very good idea.

Anyone else got any Milan (II) info? I still can’t find a release date of the Milan II into the public....

I searched the Motorola web site and couldn’t find anything on there to do with the Milan deal with Motorola.
Hmmm, are Motorola ashamed.....embarrassed....or just secretive.... "

Dr. Uwe Seimet, the author of HD Driver, tells Lyndon:

"Release date? As long as neither driver nor operating system software (MagiC) has been licensed I wouldn’t expect anything to be released.

Perhaps Motorola doesn’t know anything about the Milan at all."

Odd Skancke asks Dr. Uwe:

"Does that mean they are negotiating licence agreements, or does it mean they "haven’t bothered" yet? How about HDDRIVER licence.. did they ask for that yet?

Hmm... so it all a big fat hype?"

Uwe tells Odd:

"This means that they have not yet tried to negotiate anything and that doesn’t only concern HDDRIVER (they might have something else) but also other packages."

Odd replies:

"This is bad, bad news."

On that somber note, I’m going to close. I know it’s kind of thin this week, but people must be recovering from the long weekend.... and I’ve got to go ice my poor little toe.

’Till next week, keep your nose to the grindstone, your ear to the ground, and your back to the wheel.... If you can do all that at once, there’s probably a job waiting for you at the circus. <grin>

Tune in again next week, same time, same station, and be ready to listen to what they are saying when...

PEOPLE ARE TALKING

=~=~=~=

->In This Week's Gaming Section - SegaNet! Support for Thomas Grows!
eGames Loses Hasbro Suit!
Final Fantasy IX! Turok 3!
And much, much more!

->From the Editor's Controller - Playin' it like it is!

I'm disappointed that I don't have much time to devote to this week's editorial. I did want to mention something about the ongoing "debate" that developed with Don Thomas' complaint regarding the way eGames "promotes" its game products and subsequent customer service, or lack thereof as it seems. Mr. Thomas continues to gain support for his cause. Frankly folks, I believe that Gerald Klein of eGames is out of touch. His obvious lack of concern to legitimate complaints from his customers leads me to believe he's in the wrong business. And to further support my belief, I've included a couple of articles I found this week regarding a lawsuit which eGames just lost against Hasbro Interactive. It appears that eGames also doesn't believe in copyrights, by selling "knock-offs" of various Hasbro and Atari titles. What goes around....comes around, Mr. Klein.

Until next time...

=~=~=~=

->A-ONE's Game Console Industry News - The Latest Gaming News!

Sega Launching Online Game Network

A year ago, Sega Dreamcast became the first home video game system with a modem inside. Beginning this week, Sega will let people use the modem the way it was envisioned: to play games on a special Internet network built exclusively for them.

The SegaNet service debuting Thursday will let players go head-to-head online and chat about their games - complete with trash talk, if desired. Until now, the modem's main advantage was just that it could be used to download enhancements to Sega games.

‘‘The consumer wants a sense of revelry, he wants something unexpected," said Charles Bellfield, Sega’s director of marketing communications. ‘‘SegaNet gives it to him."

SegaNet also gives the company a big head start on industry leader Sony and No. 2 Nintendo in the online video game market.

Sony’s powerful PlayStation 2, due to reach stores Oct. 26, won’t come with a modem at first, although Sony says it will begin installing them next year. The Nintendo GameCube will come with a modem, but isn’t due to launch until a year later. Also planned for next year is Microsoft Corp.’s X-Box, an Internet-ready device presented as a pure game machine, but also plays video disks.

Only Sega appears ready with a games-only network.

Perrin Kaplan, Nintendo’s vice president for corporate affairs, said Nintendo designs ‘‘products for the mass consumer," while Sega is working with a niche market of young players who enjoy online competition.

‘‘We’re pretty hard-pressed to find any company making money" on online gaming, she said.

Sony did not return calls seeking comment on SegaNet.

At the launch, only NFL 2K1, a football game, will be playable on SegaNet. However, Sega promises that 10 to 12 games will be available by fall, including Quake III Arena, a new version of the gory first-person shooting game, and Phantasy Star Online, a science-fiction role-playing game.

A SegaNet subscription is $21.95 a month. Players who sign up for 18 months will get a $150 rebate from Sega, which covers the new, reduced price of the Dreamcast console.

Sega will also throw in the keyboard that will let players chat with opponents. Later, a tiny microphone plugged into the Dreamcast controller will let gamers speak to the people they’re playing with.

One key advantage of SegaNet is that it bypasses a standard Internet service provider (ISP) in favor of a faster, narrow-band service dedicated only to SegaNet. Plug your Dreamcast into a standard telephone jack to log on, and you share Sega’s servers only with other gamers.

Computer users will be able to take advantage of the online game experience via their own ISPs, as can Dreamcast owners who choose not to sign up for SegaNet. But Sega says the connection won’t be as fast as SegaNet, since its servers are used for nothing else.

Sega said Friday that 52,000 people had signed up for SegaNet, but with 2.1 million Dreamcast consoles in American homes, the company believes there are plenty of potential customers.

‘‘I think Sega is really trying to distinguish itself as the only company with a narrow band capability built in," said David Cole, an industry analyst with SFC Intelligence in San Diego. ‘‘If people really use the online feature on a regular basis, Sega will have a real compelling reason for them to buy a Dreamcast."

Added Jim Cordeira, editor of Gaming Age magazine: ‘‘From a gamer’s standpoint, it’s a definite plus, providing all goes well technically and

they can get as many companies as possible to include Internet options in their games."

Sega Sports Pioneers Next Generation of Gaming With NFL 2K1 -- First Ever Online Console Football Game

Forget the field goal on fourth and one. Sega has decided to leave the competition in the dust with a bold Hail Mary from the fifty. Sega Sports is making history with the introduction of the first ever online football game via a console, ‘‘Sega Sports NFL 2K1," for the 128-bit, Internet-ready Sega Dreamcast. Gamers will now be able to challenge and chat with friends around the globe in real time using SegaNet, the only high speed, low-latency console gaming network, which brings gamers an unprecedented level of competition slated for September 7. In addition to the online capability, this year’s ‘‘NFL 2K1" now includes bump and run coverage, Franchise Mode, downloadable rosters to stay current with NFL trades, player injuries and statistics, a power move to blast by opponents, and an all-new running game.

‘‘‘NFL 2K1’ and SegaNet offers gamers a whole new way to compete by connecting hundreds of sports enthusiasts everywhere in real time competitions and giving them a place to play against each other, swap stories and earn bragging rights," said Martha Hill, director of sports marketing, Sega of America. ‘‘The future of sports videogaming entertainment is about delivering the most realistic experience possible, and our combination of advanced graphics, new features and online gameplay is the next best thing to being on the gridiron."

To initiate the online element of ‘‘Sega Sports NFL 2K1," gamers will simply plug in their Dreamcast, select Network Play, and enter a lobby which lists potential challengers from around the country. ‘‘NFL 2K1" supports up to eight players at a time, with four players competing against four others from two locations.

Online gameplay is not the only new element to look for in ‘‘Sega Sports NFL 2K1." Beyond adding hundreds of new animations and graphic detail, Sega Sports has completely gutted the running game and added the juke and power moves for more speed. On the defensive side, the game now has true zone and bump and run coverage, and the inclusion of NFL team specific playbooks for each club ensures no two teams play the same. Finally, the highly anticipated Franchise Mode lets gamers take on the coveted role of General Manager to see how several seasons of managing their decisions on signing players and managing salary caps would effect the outcome of their teams.

Over 2,000 new motion captured animations have been added, including the moves of Sega Sports spokesperson and Minnesota Vikings wide receiver Randy Moss. In addition to lending his physical talent, Moss, an avid videogame player, offered strategic advice and counsel to the Sega Sports development team earlier this year. Moss, 1999-2000 Pro Bowl MVP and 1998-1999 Rookie of the Year, endorses the game and appears on the cover.

For more information on this game, please go to www.Sega.com. For gameplay footage, go to: ftp://ftp.accesspr.com/public/sega/movies and select the Dzl83A1.mpg file. For screens, go to: ftp://ftp.accesspr.com/public/Sega/Sega_Dreamcast_Games/Sega_Sports_NFL2K1/.

All-New ‘‘San Francisco Rush 2049" Lets Players Race, Stunt and Battle Their Way Into the Future

Midway Games Inc. announced that the all-new version of the arcade hit ‘‘San Francisco Rush 2049" for Sega Dreamcast, Nintendo 64 and Game Boy Color has shipped to retail.

The legendary ‘‘San Francisco Rush" action racing franchise expands upon futuristic worlds of San Francisco with over-the-top stunts, killer battlefields and all-new shortcuts riddled with hidden passages. Gamers test their mettle in the challenging stunt mode as they dare to go freestyle on the wild, death-defying tracks. An all-new four-player battle mode adds hours of in-depth replay value as gamers go head-to-head battling it out with a variety of weaponry.

‘‘‘San Francisco Rush 2049’ builds on the strength of the ‘Rush’ arcade series with added features that will be hugely popular with fans," said Helene Sheeler, vice president of marketing, Midway. ‘‘The all-new stunt and battle match mode make the game even more competitive and exciting. An online component in the Sega Dreamcast version and futuristic setting allows players to explore a physics-defying and exhilarating racing environment."

For the first time ever, Sega Dreamcast players of ‘‘San Francisco Rush 2049" can upload and download ghost races and high scores, bringing an online component to this incredible game. With this feature, players all over the world can race against themselves in ‘‘ghost race" mode, then exchange their file online to compete against other players’ downloaded ‘‘ghost race" from the ‘‘San Francisco Rush 2049" in-game website.

Players experience the ‘‘rush" with the ultra-realistic physics of past popular ‘‘San Francisco Rush" racing games that have been enhanced for this version. Taking place in San Francisco, ‘‘San Francisco Rush 2049" takes gamers on the ultimate thrill ride as they careen through the city streets. The evolved technology and hardware create a unique gaming experience with higher-resolution images and new features like gameplay modes, online capabilities in the Sega Dreamcast version, added cars and dynamic new tracks.

"San Francisco Rush 2049" Key Features for Nintendo 64 and Dreamcast Only

-- Nineteen tracks: six race (plus forward, backward and mirrored), four stunt, one obstacle and eight battle match
-- Game modes include: practice, race, circuit, stunt, battle, obstacle and time trial
-- The new "Wing" feature lets gamers fly through the streets of San Francisco with more control in midair and allows for new stunts and tricks
-- Ghost car racing in time trial mode: players save their best races, then race against their "ghost car" to improve their time and hone driving skills
-- Realistic stunt mode: freestyle in the wildest, most thrilling tracks ever designed
-- New four-player, quad-screen "Battlematch" mode provides added replay value, allowing players to compete with a wide variety of weapons

-- New dynamic features such as moving ramps and triggers that open twice as many shortcuts than prior versions
-- New car interface and customization: paint shop to detail and body shop to customize personal cars
-- Thirteen new cars (including hidden cars) and improved car handling to provide even more variety

N64 Specifications

-- Four-player support
-- Support for RAM pack
-- Higher-resolution textures
-- Rumble Pak support
-- Controller Pak support
-- Can play against two players in "Race" mode and four players in "Battle" and "Stunt" mode

Sega Dreamcast Specifications

-- Online component: upload and download "ghost race"
-- Four-player support
-- 640 x 480
-- High-resolution textures
-- Sixty frames per second
-- VMU support
-- Jump Pak support
-- Audio -- high fidelity (CD audio quality)

Game Boy Color Specifications

-- Ten tracks
-- Five pre-rendered vehicles
-- Hidden tracks and special cars
-- Treacherous shortcuts
-- Precise car handling
-- Power-up option

The Final Episode of The Turok Series for the Nintendo 64 Arrives In Stores

Turok 3: Shadow of Oblivion Marks the Final Journey for the Fireseed Family

Acclaim Entertainment announced that Turok 3: Shadow of Oblivion, the final N64 episode in its three-million-unit-selling Turok franchise, has arrived in stores.

Developed by the highly-regarded Acclaim Studios Austin, Turok 3 offers a compelling combination of storyline-driven gameplay and objective-based action. Game highlights include dual main characters, incredible cinematics, and unrivaled multiplayer modes. Turok 3 also features ‘‘living environments," a unique property that allows the environments to be in a constant state of movement, wholly independent of the main character’s actions. Turok 3’s sound team has created a fully orchestrated musical score, digital speech and improved sound effects throughout the entire game for enhanced gameplay experience. Turok 3 is also available for the Game Boy Color.

‘‘Turok 3 is the culmination of nearly seven years of dedicated Nintendo 64 development. With its release, Acclaim has continued to push the boundaries of what the machine is capable of, and delivers the most intense, story-driven chapter in the history of the series," said David Dienstbier, creative director at Acclaim Studios Austin. ‘‘The game ends the Turok series not with a whimper, but with a bone crushing, ear splitting, dinosaur crushing, thermonuclear bang!"

The storyline for Turok 3 centers around ‘‘Oblivion," a monstrous cosmic entity that consumes everything in its path. Oblivion desperately seeks a means to punch through the Netherscape that separates our world from the Lost Land, and the Lost Land from countless others. The last shreds of the pure energy source that created our world and nearly wiped out Oblivion, are contained within the Light Burden that every member of the Turok lineage has carried. The death of the Turok mantle will signal the beginning of the end... the rebirth of Oblivion.

Once engaged in Turok 3, gamers will find themselves in the most graphically detailed environments ever seen on the N64. For the multiplayer buffs, Turok 3 includes over 48 unique maps and eight gameplay modes such as Blood Lust, Monkey Tag, Color Tag and Capture the Flag. Turok 3 offers 24 incredibly innovative and upgradable weapons and over 40 cunning enemies with unprecedented artificial intelligence. Turok’s most popular weapons make a comeback, and gamers can expect to see new weapons including the all-powerful Chest-Burster.

Infogrames Explodes Onto SegaNet With the Award Winning Unreal Tournament for Sega Dreamcast

Infogrames, a worldwide leader in the interactive entertainment software industry, Thursday officially announced that it will bring the PC Game of the Year, Unreal Tournament to Sega Dreamcast this fall. Known for its raucous award-winning multi-player action, Unreal Tournament will take full advantage of the Dreamcast’s technology including its built-in modem and SegaNet, the only high-speed console gaming network, that will provide up to eight players the same hardcore online mayhem that UT fans have grown to love.

‘‘Unreal Tournament is the perfect game to demonstrate SegaNet’s capabilities and continues to confirm Infogrames’ commitment to online gaming," said Barbara Gleason, director of marketing for Infogrames’ San Jose Label. ‘‘The original game was very successful with over one million copies sold and many awards including PC Game of the Year. The next logical step was to unleash it on Internet hungry console fans. With the advanced technology of the Dreamcast and SegaNet, Unreal Tournament is realizing its full gameplay capabilities on a console system."

‘‘We are thrilled that Infogrames, one of the top publishers of interactive entertainment, is supporting the future of this industry, which is online console gaming," said Peter Moore, president and COO, Sega of America. ‘‘Delivering quality online content is key and Unreal Tournament will be a tremendous addition to Sega’s online library of games for this year."

Originally developed by Epic Games, Unreal Tournament for Dreamcast is being produced by Secret Level in San Francisco. The game pits players against the toughest warriors in the galaxy in multiple contests and

fantasy-based settings. The goal is to become the Unreal Grand Master, testing your skills against, or fighting alongside, teams of ‘bots’ or other players. The first-person perspective action includes deathmatch and team-oriented modes of play, as well as an enhanced version of Unreal’s critically acclaimed Botmatch, which allows players to compete against extremely lifelike computer-controlled enemies in deathmatch play. In addition, Unreal Tournament’s advanced artificial intelligence allows players to lead a squad of computer-controlled allies against teams of human or computer-controlled opponents, taking the team-oriented game play experience to a new level of immersion.

Receiving many awards and accolades for its intense multi-player action, Unreal Tournament has set the standard for finely tuned first-person perspective action and console fans won’t be disappointed with UT’s robust gameplay, designed specifically for the Dreamcast. Players can choose to battle it out with up to 8 players online through SegaNet with the system’s built in modem or through the 2-player split screen mode.

‘‘Until now it has been impossible for Unreal Tournament to make the transition over to a console system, but with the new next generation consoles we are able to do the game justice," said Mark Rein, president of Epic Games. ‘‘Choosing the development team to produce this feat was tricky but the team at Secret Level is already blowing us away with their expertise in working on the Dreamcast system. Within two months of beginning the project they had the online play working through the built-in Dreamcast modem! It is really exciting for us to have Unreal Tournament involved in the online console gaming revolution."

Targeted at mature audiences, Unreal Tournament for Sega Dreamcast will be available this fall.

Here Comes the Spider-Man ... Activision’s Spider-Man Swings Into Retail Stores Nationwide

Marvel Comic’s renowned web-slinging, wall-crawling superhero, Spider-Man, swings onto store shelves across North America with the release of two new video games from Activision, Inc. -- Spider-Man for the PlayStation game console and Nintendo Game Boy Color. The games carry a suggested retail price of $39.99 and $29.99 respectively, and they have been rated ‘‘E" (‘‘Everyone" -- content suitable for persons ages six and older -- with Animated Violence) by the ESRB.

The first free-roaming, 3D action/adventure game based on the most recognized superhero of all time, Spider-Man challenges players to web-sling, wall-crawl, fight and use ‘‘Spider-Sense" to battle evil-doers. Gamers must utilize Spider-Man’s super strength and superior wit to protect the innocent as they help solve a variety of puzzles and defeat old and new super villains alike.

‘‘The team at Neversoft has developed what we believe will be considered the crowning achievement for character-based action games for the PlayStation," said Michael Pole, executive vice president, Worldwide Studios for Activision. ‘‘From its extraordinary graphics to its addictive and diverse gameplay, Spider-Man will provide hours upon hours of enjoyment for his fans worldwide."

Developed by Neversoft Entertainment (creators of Tony Hawk’s Pro Skater),

Spider-Man for the PlayStation features an original storyline that gamers can experience through 34 action-packed levels. From hair-raising police chases and all-out brawls with lizard men to stealth missions, gamers battle through familiar Spider-Man comic book locales including the Daily Bugle, Times Square and a New York bank. Players will utilize all of the classic Spider-Man web defenses from trapping and yanking to impact webbing, as well as new weapons including web doming and web spikes to battle enemies. In addition, players can swing from place-to-place, ambush enemies from above or below, crawl on buildings, ceilings, or walls, and use the always-handy ‘‘Spider-Sense" to detect danger from afar.

‘‘The essence of Spider-Man has never been so realistically captured in a videogame," said Dave Stohl, executive producer, Activision Studios. ‘‘For the first time ever, players will feel like they’re actually in a Spider-Man comic book, swinging through the Manhattan skyline, hunting down dangerous enemies and restoring order to the city."

Spider-Man for the Game Boy Color was developed by Vicarious Visions, a New York based developer that creates online, next generation console, and handheld games.

Square to Ship Final Fantasy IX for the PlayStation Game Console in Mid-November

Square Electronic Arts announced that FINAL FANTASY IX will hit U.S. store shelves in mid-November. In addition to pre-selling one million units in a record-breaking 17 days, the Japanese release of FINAL FANTASY IX has sold 2.8 million units to date. FINAL FANTASY IX, the latest title in the highly acclaimed FINAL FANTASY series, will offer a rich storyline, well-defined, new characters and cutting-edge graphic technology that have come to define the franchise as a whole. Additionally, the game will offer completely new 3D environments.

‘‘FINAL FANTASY fans in the U.S. will have to wait just a few more months to experience the adventure," said Jun Iwasaki, president of Square Electronic Arts. ‘‘We are delighted to go out with a bang this year on the PlayStation and look forward to similar success with the U.S. launch as we had in Japan."

FINAL FANTASY IX started selling in Japan on July 7. Sales of that game have helped propel life-to-date sales of the overall series to an astounding 30 million units, making the FINAL FANTASY franchise one of the best-selling series in the history of video games. In addition, the previous title in the series, FINAL FANTASY VIII, which was released in September 1999 in the U.S., has sold nearly 1.5 million units. The title qualifies for Sony Computer Entertainment America’s ‘‘Greatest Hits" program. The program applies to titles that have sold at least 500,000 units and have been on the market for 12 months.

Next month, Square Electronic Arts will hold a one-day only event offering consumers an opportunity to demo FINAL FANTASY IX before it hits retail shelves this November. This ‘‘Consumer Demo Day" will be held on October 7 inside the world’s only PlayStation store in Metreon -- A Sony Entertainment Center located at 4th & Mission streets in San Francisco. In addition to playing the highly anticipated game, consumers will receive a free FINAL FANTASY related promotional item, while supplies last. More information on the event will be available at

www.squaresoft.com/web/ff9-demo.

About FINAL FANTASY IX:

FINAL FANTASY IX centers around an evil queen’s desire to dominate the world, while players follow a group of bandits, knights, and magicians as they try to stop her. Brahne, the Queen of Alexandria, has begun using highly-advanced magical weapons to terrorize neighboring kingdoms. Zidane, a skilled thief, teams with a young mage, a royal knight, and a beautiful princess to save the world from the queen’s evil doings. Soon after embarking on their quest, they discover that the queen’s threats merely cover a far more sinister plot. A powerful sorcerer named Kuja has been supplying Brahne with her magical weapons. For the sake of mankind, Zidane and company must uncover Kuja’s motives before he carries out his deadly plan.

As in all Square games, FINAL FANTASY IX allows players to unlock the rich storyline and subplots as they play with eight unique characters who use a variety of weapons, magic and monsters in a quest for good over evil.

989 Sports’ NHL FaceOff 2001 for the PlayStation Skates Into Stores

Sony Computer Entertainment America Inc. announced Monday that 989 Sports’ NHL FaceOff 2001 will be available today for the PlayStation game console. NHL FaceOff 2001, the sixth edition of the highly successful hockey videogame series, is packed with all the NHL teams and players, international teams, all-new play modes, and intricate Artificial Intelligence (AI) mirroring real NHL player tendencies. An authentic two-man broadcast team featuring New Jersey Devils play-by-play announcer Mike Emrick and ESPN’s Darren Pang is coupled with a dramatic TV-style presentation to create the most comprehensive hockey simulation available on the PlayStation game console.

Featuring Toronto Maple Leafs goaltender Curtis Joseph on the cover, NHL FaceOff 2001 thrills hockey fans with four all-new play modes -- Tournament, Shootout, Practice and Draft. Tournament Mode allows players to take the reigns of an elite international team and vie for the title of the ‘‘world’s best hockey team." National anthems, classic uniforms and the world’s top players are combined to create the raw emotions of international hockey. Shootout Mode challenges puck marksmen to shoot top-shelf, glove side or through the five hole in an electrifying one-on-one mode versus the goalie. The new Practice Mode allows players to sharpen their passing, shooting, checking and skating skills. With Draft Mode, gamers can assume the responsibilities of a general manager by drafting and trading players to take on the best that NHL FaceOff 2001 has to offer.

‘‘Serious gamers have always known that the FaceOff series captures the hard-hitting intensity of NHL hockey," said Ami Blaire, director, product marketing, Sony Computer Entertainment America Inc. ‘‘We continue to challenge ourselves to deliver a better hockey gaming experience to players, which we have accomplished each year. And NHL FaceOff 2001 incorporates exclusive new features, an intricate Artificial Intelligence and challenging play modes unseen on any other hockey title."

As the first hockey videogame franchise to use motion capture animation

performed on ice, NHL FaceOff 2001 has perfected every subtle hockey move in minute detail, from thunderous checks into the boards to blistering slap shots. NHL FaceOff 2001 continues the tradition of NHL FaceOff realism to include motion capture animations from Chicago Blackhawks winger Tony Amonte, St. Louis Blues winger Scott Young and former San Jose Sharks goaltender Kelly Hrudey -- totaling 150 player animations.

A new Line Manager feature allows players the flexibility to use their roster to the fullest while utilizing more than 12 different offensive and defensive strategies designed by real NHL coaches. Players benefit from special tactics such as having the defensive squad to dump the puck to the far end while changing offensive lines. With the new Shot Aim Option, gamers can control the puck during the back swing and launch a bullet past the goalie.

With proprietary feature I.C.E. AI (Intelligence Comprehension Execution Artificial Intelligence), developed with marquee NHL all-star players and coaches, computer-controlled players prowl the ice just as they do in the NHL providing additional hockey realism to the game. Icon Passing and Icon Switching brings unprecedented control of players as they battle for the puck in offensive and defensive zones. NHL FaceOff's ''Puck Halo" makes the puck easier to see and play within the corners and in front of the goal.

NHL FaceOff 2001 incorporates all 30 NHL teams for the 2000-2001 season (including the Columbus Blue Jackets and Minnesota Wild) with updated rosters and the ability to play through an entire season. Gamers can track more than 30 individual and team statistics and compete for any of 15 NHL awards, including the Hart Memorial, Art Ross, Vezina, Conn Smythe, Presidents' trophies and the highly coveted Stanley Cup.

Each arena's unique characteristics are re-created in amazing detail with the use of actual blueprints. The 3D player models are scaled to actual player height, weight and body style with real texture-mapped detailing true to the facial features of NHL stars. Multiple camera angles, pop-up stats and in-game panels combined with authentic play-by-play by announcer Mike Emrick and color commentator Darren Pang create the best TV-style presentation available in a hockey videogame.

NHL FaceOff 2001 Key Features:

- Every player and team for the 2000-2001 season is included -- even the Columbus Blue Jackets and Minnesota Wild, plus eight international teams
- Four all-new play modes:
  - Tournament Mode -- a competition pitting the world's best international teams
  - Shootout Mode -- puts gamer in a one-on-one battle versus a goalie who is determined to stop your best shot
  - Practice Mode -- lets gamers perfect passing, shooting, skating and checking skills
  - Draft Mode -- assume the responsibilities of a general manager by drafting and trading players to build a championship-caliber team
- New Line Manager Feature allows players to choose from more than 12 different offensive and defensive strategies while utilizing the roster to create strategic lines
- New Shot Aim Option allows you to control the direction of your shot during your back swing as you prepare to launch a rocket past the goalie
- I.C.E. AI (Intelligence Comprehension Execution Artificial Intelligence) allows computer-controlled players to play and react just

as they do in the NHL. NHL all-star players and coaches consulted on the development of I.C.E. AI, providing insight into offensive and defensive strategies
-- Realistic 3D player models based on player size, weight and facial appearance
-- Unrivaled 3D game engine
-- TV-style presentation features two-man commentary, including New Jersey Devils' acclaimed announcer Mike Emrick and ESPN's analyst Darren Pang
-- Seven different gameplay camera angle option settings and countless cut-aways, zoom-ins, pop-up stats and in-game panels provide impressive TV-style telecast
-- Realistic skating physics lets players and the puck glide naturally across the ice. Players utilize cross-over steps when turning and skating backwards -- just as in the NHL
-- More than 150 motion captured animations performed on ice provide the most realistic hockey action available. Players motion captured include Chicago Blackhawks winger Tony Amonte, St. Louis Blues winger Scott Young and former San Jose Sharks goalie Kelly Hrudey
-- Gamers can track more than 30 individual and team statistics and compete for any of 15 NHL awards, including the Hart Memorial, Art Ross, Vezina, Conn Smythe, Presidents' trophies and the highly coveted Stanley Cup
-- "Puck Halo" makes the puck easier to see and play when in the corners and in front of the net
-- Interactive crowds draw players into the game through team chants, yells and special animations such as hats being thrown onto the ice after a hat trick
-- NHL arenas are presented in lifelike detail -- each arena's characteristics are included, even the championship banners and Jumbotrons
-- Music from top recording artists
-- Refined Icon Switching(TM) on defense and Icon Passing(TM) on offense translate into the most realistic hockey control available
-- On-the-fly strategy control allows the gamer change his attack with the touch of a button
-- Full season and game statistics are available in every offensive and defensive category
-- Create and manage teams with complete rosters -- draft, trade, release and sign free agents
-- Up to eight players with Multi Tap

Kmart, Wal-Mart Take Stand on Games

Young people itching to wreak virtual havoc with an Uzi via their Playstation will have to bring along a parent if they want to buy a violent video game from some major retailers.

Kmart announced Thursday it will refuse sale of mature-rated games to anyone under 17, using a barcode scanner that will prompt cashiers to ask for identification from youths.

After Kmart's news conference in Washington, Wal-Mart announced it would enact the same policy. In a letter last month to Alabama Sen. Jeff Sessions, the president of Toys R Us said the practice is already in place at his company's stores.

Sessions applauded the move, but said he would prefer that retailers stop

selling mature-rated games, as Montgomery Ward and Sears, Roebuck and Co. already have done.

Sessions said he believes ‘‘intense involvement" with violent video games can cause a young person to become violent.

‘‘Common sense should tell us that positively reinforcing sadistic behavior, as these games do, cannot be good for our children," said Sen. Sam Brownback, R-Kan.

‘‘We cannot expect that the hours spent in school will mold and instruct a child’s mind but that hours spent playing violent games will not."

Kmart executives said they believe their policy lets parents make decisions about video games.

‘‘A step of responsibility that gets the parents involved is a smart step, rather than just walking away from the issue and letting someone else deal with it," said Shawn Kahle, Kmart’s vice president of corporate affairs.

In May, Sessions, Brownback and seven other senators sent a letter to executives of Kmart and several other major retailers encouraging them to pull the games off their shelves or prevent their sale to anyone younger than 17.

Sen. Joseph Lieberman of Connecticut, the Democratic vice presidential nominee, was among those who signed the letter written by Sen. Tim Hutchinson, R-Ark.

‘‘It sounds ... great," said Lieberman, who is known for speaking out about the amount of violence in popular culture. ‘‘I’m real encouraged. If people want to enforce a rating system, they should do it," he said Thursday.

FTC is supposed to hold hearings on this issue next week, and Lieberman is scheduled to testify on Wednesday.

Most video games sold at major retailers include a rating from the Entertainment Software Review Board advising consumers about which games are suitable for certain age groups.

Wal-Mart spokeswoman Jessica Moser said her company has invested more than $3 million on store signs and advertising to educate customers about the rating system.

Moser said she was not sure when Wal-Mart would implement the new policy. Kmart plans to enact the policy Oct. 15, in time for the holiday shopping season.

‘‘I think it’ll work from their standpoint," said Howard Dyckovsky, vice president of operations for PC Data, a company that tracks software and video game sales.

‘‘But there will be to some degree a slowdown in sales of some of those products, until the kids find ways to get them through other mechanisms."

Brownback said the Senate Commerce Committee next week will examine the results of a Federal Trade Commission report on whether violent, adult-rated games are target-marketed to kids.

‘‘If this is true - and there is plenty of anecdotal evidence to suggest that it is - this is a scandal and an outrage," said Brownback, who authored an amendment that passed the Senate requesting the FTC to conduct the study.

Sony and Connectix Get Their Day In Court Next March

Sony’s trial date against Connectix Corp. has been set. Sony and Connectix will square off in federal court next March to decide the fate of Virtual Game Station (VGS), Connectix’s Sony PlayStation video game console emulator. Judge Charles Legge ordered the case to go before a jury next year, according to the San Francisco Daily Journal.

Connectix first unveiled VGS to crowds at Macworld Expo in San Francisco in January of 1999. The software makes Macintoshes able to play a variety of popular games designed to work on the Sony PlayStation, a popular home video game console. At the time, Connectix was the first company to release a commercial Sony PlayStation emulator for personal computers.

Connectix’s efforts were quickly met with legal retaliation by Sony Computer Entertainment of America, which claimed that Connectix’s efforts violated its own copyrights. Soon, Connectix was faced with a preliminary injunction that prevented the company from distributing or manufacturing the Virtual Game Station software.

Earlier this year that injunction was lifted, and Connectix immediately resumed distribution. Since then, the company has updated Virtual Game Station and has released a PC version of the emulator. Connectix has also begun to offer the software in a bundle pack, which includes actual Sony PlayStation software.

Judge Legge also dismissed seven of Sony’s complaints against Connectix. Only two of Sony’s allegations will be heard by a jury next March; Sony contends that Connectix misappropriated trade secrets and is guilty of unfair competition.

Sony also has filed a separate patent infringement lawsuit pending against Connectix Corp., also for Virtual Game Station. Sony withdrew and refiled its patent suit against Connectix this past summer after being advised of irregularities in the original complaint.

=~=~=~=

->A-ONE Gaming Online - Online Users Growl & Purr!
"""""""""""""""""""""

More "David & Goliath"! - Thomas & eGames! A-ONE Update!

From: Donald A. Thomas Jr. <datj@yahoo.com>
To: hal@gameweek.com <hal@gameweek.com>

Subject: RE: Mislabeled Software
Date: Wednesday, September 06, 2000 3:33 PM

Hal,

Thank you for your expedient reply.

The reason that I thought that IEMA might be interested is because eGames is carried by a number of IEMA members. Most retailers I have contacted have shown a concern about reselling mislabeled (misleading) software.

I definitely do not expect an organization as prestigious as the IEMA to take dramatic action based on a couple of disgruntled sounding emails. I know that, without investigation, I must appear like a loose cannon. I have posted the images of the software at: http://www.icwhen.com/news/egames0822d.html. The individual game titles listed on the packaging are only pieces of the original games, but nothing denotes that on the packaging. I realize that most consumers won't take the time to complain, but I hope organizations such as the IEMA would officially take a dim view of companies who profit by misleading people in this way.

Hal, eGames crossed the line when they openly admitted that these games are different and have no intent to inform consumers in advance. And then, the CEO of eGames documents to his colleagues in Internet email that I am a fool to discuss this situation and should be sued for raising the question with the California Attorney's General office.

Quite frankly, if eGames apologized for their CEO's poor approach to call customers fools and threaten to sue them AND pledged to re-examine their marketing strategy, this situation would be a non-issue. But I take too much pride, as a member of this industry, to allow eGames to think that this way of doing business is something that the industry tolerates unchecked.

If you feel my claims are invalid, then I understand completely why this should not be an issue that involves the IEMA at all. If, on the other hand, my claim has substance, then I urge the IEMA to distance itself from suppliers that your members may have not previously known operates in this way.

Hal, I know we're not talking public safety issues here as if this were Ford and Firestone. But we are talking about the deliberate sell-through of mislabeled product with the intent to dupe the public at $10 at a time. Eventually, this has to stop. My proposal is that it would be a wonderful pro-active position for the IEMA to form an opinion related to their members distributing and selling mislabeled software.

I know my position is not well voiced if I come across as offensive or harassing. I hope my comments are received in the spirit that they are intended... with all due respect to you and your organization. Thank you for reading my reply.

--Don Thomas

Hal Halpin <hal@gameweek.com> wrote:

Hey Donald,

I’m familiar with your situation and understand your concerns, but this is really an issue you should be putting to the IDSA (Interactive Digital Software Association) - if your goal is to get better labeling on products that their members manufacture. The IEMA is a retail trade association, so our jurisdiction would be if one of our members re-labeled a product, but that doesn’t sound like it’s the case here. I’m not sure if the IDSA has someone whose responsibilities would cover labeling (apart from ratings labels), but their number is: 202-833-4372.

Best,

-Hal.

-----Original Message-----
From: Donald A. Thomas, Jr. [mailto:curator@icwhen.com]
Sent: Wednesday, September 06, 2000 2:05 AM
To: hhalpin@vgadvisor.com
Subject: Mislabeled Software
Importance: High

September 6, 2000

Mr. Hal Halpin, President
Interactive Entertainment Merchants Association
64 Danbury Rd., #500
Wilton, CT 06897

(sent via email)

Dear Mr. Halpin,

My name is Don Thomas. I am a consumer. I know that you must be busy, so I will do my best to keep this introduction short.

A couple weeks ago I purchased ’Galaxy of Arcade Classics’ from a Target store. It is a pre-recorded entertainment product for personal computers that advertises that it has seven (7) games on it. All seven are titles that were previously released separately. The problem is that the games on the Galaxy compilation are much shorter than the originally released games. ’Tunnel Blaster’, for instance, has only 7 of the original 30 levels. Nothing on the packaging notifies the consumer that the versions are shorter than the original releases. In my view, this is the same as selling an eclectic collection of songs on a CD and not tell the consumer in advance that all the songs are just the first 30 seconds of the originals. By the way, as you exit the software, a message appears asking the consumer to buy the ’premium versions.’

I contacted the CEO of eGames, Mr. Gerald Klein. His response was originally polite, but he defended their marketing strategy to hide the information from the consumer because they made sure that the shorter versions completely played through without in themselves stating that they were crippled or just playable demos. When I asked him if we should

consult the Attorney's General office, Mr. Klein responded that Attorneys General will not waste their time because eGames has a money-back policy (policy is not noted on packaging). When I did copy Mr. Klein on a letter to the Attorney General, he copied me on an email to his colleagues that he wanted to sue me and referred to me as a fool. (The complete email exchange may be found at http://www.icwhen.com/news/egames0822.html.)

I have been in the video game industry for many years. I host a web site that has always been in favor of promoting the type of games that eGames develops and sells. I think that Mr. Klein is hoping that no one will bother complaining about buying a catalog of playable demos that only sells for about $10. Actually I think a strategy to lure consumers this way is fine IF the packaging is properly marked.

Mr. Klein is right about one thing. His marketing approach may harm the industry as a collective, but it is difficult for any one consumer to stand up against him. I am hoping that one or more organizations such as yours will see the benefit to side with consumers on this issue and make a statement in favor of proper labeling.

I know that there are two sides to every story and I do not expect that you will simply take my position in this matter. I humbly request that review the background information in this matter at http://www.icwhen.com/news/egames0822.html, then contact Mr. Klein and ask him the following direct questions:

Does the game 'Tunnel Blaster' include all 30 levels on 'Galaxy of Arcade Classics' as when it is sold separately?

Is the packaging marked so that the consumer knows in advance that only 7 levels are included on 'Galaxy of Arcade Classics'?

By the way, there are other titles that eGames treats in this way. I am focusing on one only to help make my position concise.

If you or your organization are unable to take a position in this, can you please recommend contacts and organizations that may wish to side with consumers in an effort to require proper product labeling? Please feel free to forward this email to anyone you feel may be interested in its content.

Here is Mr. Klein's contact information for your convenience.

    Mr. Gerald W. Klein, CEO
    eGames, Inc.
    2000 Cabot Blvd, Suite 110
    Langhorne, PA 19047
    (215) 750-6606
    (215) 750-3722 (fax)
    jklein@egames.com

Thank you in advance for your time and focus.

Best Wishes,

-- Donald A. Thomas, Jr.
curator@icwhen.com

http://www.icwhen.com
Yahoo: DATJ - ICQ: 14183819

And from the "Oops, eGames caught with their pants down department!:

eGames Settles Patent, Copyright Litigation

EGames, a maker of low-priced, nonviolent computer video games, said on Thursday it settled a trademark and copyright infringement suit brought by Hasbro Inc.’s Hasbro Interactive and Atari Interactive video game units.

Under the settlement, a consent judgment entered in U.S. District Court in Boston, eGames did not admit to any infringement but agreed to discontinue the sale of 12 of its computer games after Sept. 30.

The Langhorne, Pa.-based company also said it will revise its fiscal fourth-quarter results to include costs from settlement of the suit. EGames will take a non-recurring expense of $205,000, which includes legal costs, against its fiscal 2000 fourth quarter, ended June 30.

The charge will reduce the company’s previously reported earnings per share by 2 cents to a loss of 1 cent a share for the fourth quarter and to a profit of 3 cents a share for the full year.

Discontinuing these titles is not expected to have a material impact on its fiscal 2001 revenue expectations, eGames said.

The settlement also ended litigation with Elorg, a privatised Russian company that owns the copyright for the best-selling computer video game Tetris.

Hasbro Interactive Successfully Settles Intellectual Property Suit

Acknowledging Hasbro Interactive’s rights to popular Atari properties, eGames, MVP Software and Webfoot will cease sales of ‘knock-off’ games

Leading PC and video game publisher Hasbro Interactive, Inc., announced Thursday it has reached a favorable settlement in the intellectual property lawsuit against software companies distributing ‘knock-off’ versions of several Atari games. eGames, MVP Software and Webfoot Technologies consented to a federal court judgement that acknowledges Hasbro Interactive’s copyrights to popular properties, such as CENTIPEDE, MISSILE COMMAND, ASTEROIDS and DIG DUG, and prohibits the sale of games cited in the suit. The settlement also includes a payment to Hasbro Interactive for an undisclosed amount.

‘‘This is a content-driven business, making the protection of our intellectual property among our highest priorities," commented Hasbro General Counsel Barry Nagler. ‘‘We’re pleased that these companies and the court have acknowledged the validity of our copyrights and, additionally, believe that this will alleviate consumer confusion about the authenticity

of the games they purchase."

Hasbro Interactive acquired the rights to many Atari properties for the home consumer market in 1998. Since then, Hasbro Interactive has been successful in developing and releasing new, 3D PC and video games based on CENTIPEDE, MISSILE COMMAND and, under exclusive license, TETRIS. This fall, Hasbro Interactive will release the much anticipated 3D Pac-Man PC-CD-ROM game, as well as all-new 3D versions of the Atari classics, GALAGA and BREAKOUT, for the PC and PlayStation game console.

‘‘The protection of our core assets is critical to ensuring Hasbro Interactive delivers to the marketplace the highest quality, best-playing games possible, so consumers continue to have a great experience with our games," added Hasbro Interactive President Tom Dusenberry.

Under the terms of the settlement, eGames, MVP Software and Webfoot will cease sales of the following games: ‘‘3D Astro Blaster," ‘‘Astro-3D," ‘‘Debris," ‘‘Debris 32," ‘‘Intergalactic Exterminator," ‘‘3D Bug Attack," ‘‘Missile Launch," ‘‘Missile 2000," ‘‘3D TetriMadness," ‘‘TetriMania," ‘‘TetriMania Master," ‘‘3D TetriMania," ‘‘XTRIS," ‘‘Trix," ‘‘Smart Boxes," ‘‘Columns Millennium," ‘‘3D Geo Mania," ‘‘3D Maze Man," ‘‘3D Chomper," ‘‘Maniac Maze," ‘‘3D Frog Man," ‘‘3D Ms. Maze," ‘‘3D Munch Man," ‘‘3D Munch Man II," ‘‘3D Crunch Man," ‘‘Tunnel Blaster," and ‘‘UnderWorld."

The suit was filed in U.S. District Court in Boston, Massachusetts, in February. An earlier settlement was reached with two other defendants named in the suit, GT Interactive and Varcon Systems.

=~=~=~=

A-ONE’s Headline News
The Latest in Computer Technology News
Compiled by: Dana P. Jacobson

MP3.com: Judge May Extinguish Us

Universal Music Group, the world’s largest record company, asked a judge Tuesday to award it up to $450 million in damages because MP3.com infringed its copyrights, an amount the Internet music company said would put it out of business.

After considering closing arguments Tuesday, U.S. District Judge Jed S. Rakoff said he would rule Wednesday afternoon whether MP3.com willfully infringed Universal’s copyrights and may determine how much MP3.com must pay per violation.

‘‘An award should sting. It should be serious," said Hadrian Katz, Universal’s lawyer.

Universal’s record companies were the lone plaintiffs at the trial. The nation’s four other major record companies settled with MP3.com after Rakoff found earlier this year that MP3.com had violated copyrights.

If he finds Wednesday that the company did so intentionally, that could increase potential damages.

The amount of the settlements were not disclosed but the company set aside $150 million recently to cover its legal costs, including the deals.

Katz said a $450 million award would be $45,000 for each of 10,000 CDs Universal maintains were illegally copied and included in an MP3.com service that allowed MP3.com customers to access their favorite CDs on the Web.

The lawyer said the award would hurt the innovative Internet company but would not be so harsh that it ‘‘would put people out of work or end MP3.com as a corporation."

Michael Rhodes, MP3.com’s lawyer, pleaded with the judge not to impose a penalty ‘‘in the Draconian range of $400 million, an award that could never be satisfied and would end up being the largest paper award in history."

He said Universal did not deserve what he described as a windfall.

‘‘There’s not one iota of evidence that they even lost a penny," he said.

He urged Rakoff to conclude MP3.com did not violate copyrights willfully.

MP3.com chief executive Michael Robertson testified that the company went to great lengths to develop software that would require customers to prove they already own CDs before they were permitted to hear their favorite tunes over the Internet.

MP3.com caused a stir in early January when it began the MyMP3.com listening service, which allows customers to hear CDs from anywhere once they prove they own them by inserting them into a computer CD slot.

MP3.com, Rhodes said, voluntarily suspended the illegal aspects of the service as soon as the judge ruled and sought to negotiate business deals with the record companies.

Despite the settlements, as many as half of the CDs in MP3.com’s collection may not be covered by the deals, meaning that a large ruling for Universal could prompt a wave of fresh lawsuits against MP3.com, he said.

He noted that music publishers also had not reached deals with MP3.com.

Rhodes suggested the company not be penalized any more than $500 for each of what MP3.com estimates is 4,700 CDs in the Universal collection that would be subject to a court order.

But Katz said a $2.4 million award against MP3.com would send the wrong message to other entrepreneurs who might want to test copyright laws.

‘‘Massive copyright infringement is the kind of innovation that needs to be deterred," he said.

A judge ruled Wednesday that MP3.com willfully violated copyrights of music companies and awarded Universal Music Group $25,000 per CD, a penalty that could reach as much as $250 million.

U.S. District Judge Jed S. Rakoff said it was necessary to send a message to the Internet community to deter copyright infringement.

Rakoff said some Internet companies ‘‘may have a misconception that, because their technology is somewhat novel, they are somehow immune from the ordinary applications of laws of the United States, including copyright law."

He added, ‘‘They need to understand that the law’s domain knows no such limits."

MP3.com’s lawyer, Michael Rhodes, told the judge a day earlier that a penalty of any more than $500 per CD was a virtual ‘‘death sentence" for the company.

Outside court, Rhodes did not reject his earlier prognosis.

‘‘Just do the math," he said.

MP3.com Chief Executive Officer Michael Robertson promised to appeal.

Rakoff said he could have given an award of as much as $150,000 per CD but chose a number considerably lower because Universal had not specified how it lost money because of MP3.com’s infringements, even though it could have done so. He also said MP3.com had acted more responsibly than other Internet startups.

But experts were surprised at the severity of the ruling.

‘‘The ruling was much harsher than I anticipated, as it puts the company literally on the brink," said Nitsan Hargil, an analyst at Kaufman Brothers in New York.

‘‘If we assume the higher sum of money here, it would put MP3.com out of business. It’s very unlikely that they would receive financing to pay these damages," Hargil said. ‘‘In the more likely event that they could work out a payment scheme, they could survive another day, but it does still leave them with some very serious problems."

Leonard Rubin, a Chicago attorney who specializes in copyright, trademark and entertainment law, said the decision was not a surprise given the judge’s previous rulings.

‘‘But I would not have expected the severity of the award. It’s very heavy," he said. ‘‘The judge is really trying to say, ’Listen all you MP3 types out there on the Internet, you better make your hay because the sun is setting. The courts are not going to tolerate this kind of wholesale copying of protected works."’

The ruling was closely watched by companies looking for new commercial uses for the Internet, a factor that was noted a day earlier when Universal, the world’s largest record company, urged a stiff penalty.

‘‘Music is a media and the next infringement may be very different," said Hadrian Katz, Universal’s lawyer. ‘‘It may be video or it may be film or it may be books or it may be something very different."

Katz had urged Rakoff to award Universal up to $450 million, saying MP3.com had copied between 5,000 and 10,000 of the company’s CDs. MP3.com put the number at 4,700, which would put the damage award at $118 million.

Another phase of the trial in November will determine the number of CDs involved and the total damages.

Katz has said the case could end up costing MP3.com as much as $3.6 billion - or roughly one-tenth the industry’s annual worldwide sales - once it is forced to pay all the other companies whose copyrights it had violated when it created an online catalogue of 80,000 CDs.

Katz declined to comment on Wednesday’s decision and referred calls to the Recording Industry Association of America.

Shares of MP3.com were halted before the decision; the most recent trade was at $7.88 per share, down 68.8 cents on the Nasdaq Stock Market.

MP3.com upset the record companies in January when it began the MyMP3.com listening service, which allows customers to hear CDs from anywhere once they prove they own them by inserting them into a computer.

Universal’s record companies were the lone plaintiffs at the trial. The nation’s four other major record companies settled with MP3.com after Rakoff found earlier this year that MP3.com had violated copyrights. The amount of the settlements were not disclosed but the company set aside $150 million recently to cover its legal costs, including the deals.

Robertson testified during the one-week trial that the company went to great lengths to develop the software that would require customers to prove they already owned the CDs before they were permitted to hear them over the Internet.

Michael Rhodes, MP3.com’s lawyer, pleaded with the judge not to impose a penalty ‘‘in the Draconian range of $400 million, an award that could never be satisfied and would end up being the largest paper award in history."

He said Universal did not deserve what he described as a windfall.

‘‘There’s not one iota of evidence that they even lost a penny," he said.

Microsoft Ordered to Pay $1 Million to Tiny Rival

Microsoft has been ordered to pay punitive damages of $1 million to a tiny Connecticut software company for engaging in ‘‘wanton, reckless" and deceptive business practices.

U.S. District Judge Janet Hall ordered the payment to Bristol Technology Inc. on Thursday in the biggest award ever imposed under Connecticut’s fair-trade statute.

Hall’s decision came less than three months after a federal judge in Washington, D.C. ordered Microsoft broken up for violating the nation’s antitrust laws. That case, brought by the Justice Department and individual states, is on appeal and the Supreme Court will soon decide whether to hear it directly or send it to a lower appeals court.

Keith Blackwell, chief executive of Danbury, Conn.-based Bristol, said on Friday, ‘‘The court’s opinion is a victory for Bristol, but more importantly, for consumers."

A spokesman for Microsoft said the software giant will likely appeal.

Hall said Microsoft had engaged in ‘‘wanton, reckless" and deceptive business practices. Her ruling came just over a year after a federal jury awarded privately held Bristol nominal damages of only $1 following a six-week civil trial. Bristol had alleged that Microsoft violated U.S. antitrust law by refusing to negotiate a new contract for Windows source code.

On July 16, 1999, an eight-member jury found that Microsoft had not violated antitrust law but found it liable for violating Connecticut business law and awarded the $1.

Although the Bristol case was not related to the Justice Department lawsuit against Microsoft, it made the similar claim that the software giant had used its monopoly in the market for desktop operating systems to crush competition.

‘‘We’re very happy with what she (the judge) wrote, it’s a scathing report," said Jean Blackwell, Bristol’s co-founder and senior vice president of sales and marketing.

In adding some $999,999 to the jury’s original award, the judge ‘‘has come down on Bristol’s side with every fact we presented," Jean Blackwell told Reuters.

Bristol makes a product called Wind/U, which acts as a bridge between developers writing software for computers based both on Microsoft’s Windows and Unix.

Bristol’s original contract to license Microsoft source code -- the blueprint that tells computer programmers how a software program works -- expired in 1997.

Bristol claimed it was victimized by Microsoft’s supposed "Trojan horse" strategy of gaining a foothold in the server and workstation markets, and then killing off competition from the Unix operating systems in those markets.

Microsoft strongly disagreed, arguing that Bristol had taken a mere contract dispute and tried to dress it up with claims of antitrust violations.

Rob Enderle, an analyst with technology consultancy Giga Information Group, said the higher award was likely influenced by Microsoft’s being found guilty of violating antitrust law in the Justice Department’s suit against the company.

‘‘Once again it shows that once Microsoft was found guilty in the antitrust case, it placed them in the mind of many judges as an organization that misbehaves," Enderle said.

Judge Hall’s comments could also be used by the Justice Department as further ammunition against Microsoft’s appeal in the federal antitrust case, Enderle said.

Microsoft has had a string of legal setbacks, and in January of this year settled an antitrust suit filed by Caldera Inc. by agreeing to pay the Utah software company $150 million.

In addition, Microsoft faces lawsuits in California and Maryland that have grown out of the Justice Department antitrust case.

Microsoft Says Settles E-Mail Lawsuit with Harris

Microsoft said on Thursday it had settled a lawsuit filed against it by Harris Interactive Inc., promising to let the online market research firm reach users of its Hotmail e-mail service.

Harris in late July sued Microsoft, Internet services giant America Online Inc., telecommunications firm Qwest Communications International, and others, alleging that the companies blocked access by their customers to e-mail surveys sent out by Harris.

‘‘After looking into it, we’ll make sure their e-mails get through to Hotmail customers," said Microsoft spokesman Jim Cullinan.

Officials at Harris headquarters in Rochester, N.Y., could not immediately be reached to confirm Microsoft’s statement.

The lawsuit blamed an e-mail abuse prevention service used by the companies that is maintained by Mail Abuse Prevention System LLC (MAPS), a not-for-profit company based in Redwood, Calif., that is also named in the suit.

Harris said MAPS had unfairly added it to its ‘‘Realtime Blackhole List", a register of 3,000 companies and groups that allegedly sent out unsolicited mass e-mails, commonly called "spam", and thus blocked Harris from reaching users.

Like other Internet research firms, Harris depends on Internet users who agree to participate in its service. Harris then provides the data to paying clients.

Microsoft said it was satisfied it could ensure the Harris surveys got through to its base of 70 million Hotmail customers while still maintaining its ability to protect them from spam.

Last month, Harris dropped the suit against AOL after it agreed to let Harris communicate with users who wanted to take part in its surveys and dropped its use of the MAPS service.

Harris had sought injunctive relief and ‘‘significant" monetary damages from the companies, but Cullinan said no money was involved in the settlement.

High Court Takes No Action on Microsoft

The Supreme Court took no action on the Microsoft appeal Friday, leaving

open the question of when it will decide whether to hear a direct appeal of the case from the trial court.

The Justice Department has asked the court to hear the case immediately, while Microsoft has asked that it be first heard by a lower appeals court.

A District Court judge found in June that Microsoft had used its monopoly power in personal computer operating systems to compete illegally, and ordered the software giant should be split in two to prevent future violations. The order was delayed until final action on the case.

Friday was a day scheduled for the court to release orders on which cases it would consider, but Microsoft was not among the cases on which it acted.

Other likely times for an order to be released are the week before the high court formally opens its new term on Oct. 2, or on Oct. 2 itself, experts said.

But sometimes the court wants to give further consideration to cases that have piled up over the summer and waits until one of the weeks after it convenes, the experts said.

District Judge Thomas Penfield Jackson, acting at the request of the Justice Department, certified the case directly to the Supreme Court under a law allowing major antitrust cases to bypass lower appeals courts. Jackson was the trial court judge.

The Justice Department told the high court in August that the case had ‘‘immense importance to our national economy," meeting the standard of the act, which provides for high court review of major government antitrust cases directly after decision by a trial court.

‘‘If this case does not qualify for direct review under the Expediting Act, it is difficult to imagine what future case would," argued the government, invoking the act for only the third time in 26 years.

But Microsoft asked the Supreme Court in July to let the case be heard first by the U.S. Court of Appeals -- a court that ruled for the company in a related 1998 government-initiated antitrust case.

The Court of Appeals in Washington has already agreed to handle the case quickly if it is remanded to them.

Microsoft argued that the appeal would entail ‘‘a morass of procedural and substantive issues that can be resolved only through a painstaking review of a lengthy and technologically complex trial record."

The Justice Department said that route would add a year or more to the appeals process.

The two sides have disagreed over what matters needed to be discussed.

California Bill Seeks Online Sales Tax

California lawmakers have voted to force companies with stores in California to collect sales tax on products they sell over the Internet, a tiny step toward dealing with the increasing number of online purchases.

The bill, passed Wednesday, is believed to be the first of its kind in the nation.

Gov. Gray Davis hasn’t said whether he will sign the bill, but he generally doesn’t support Internet taxes, said his spokeswoman Hilary McLean.

California’s sales tax is 7.25 percent. If that tax was applied to Internet sales, the state estimated it could bring an additional $14 million annually, a fraction of the state’s $22 billion in sales taxes.

The Senate also sent Davis a related bill on Wednesday that would require him to talk to other states about developing a multistate sales tax system to capture revenue from Internet sales to California residents by out-of-state companies.

California has approved a moratorium on taxing such purchases while Congress and other states consider the complicated issues involved. At least 26 other states have formally approved - either through legislative resolutions, proclamations or gubernatorial orders - plans to study a multistate tax system, according to the National Conference of State Legislatures.

In Washington, federal lawmakers are considering a five-year extension of a ban on Internet-specific taxes that expires next year. The bill, which has cleared the House, includes taxes on access but does not address state sales taxes.

Under the California bill, an Internet or catalog company would have to collect sales tax if it has a relationship with stores in California, sells similar products under a similar name or if the two companies promote each other’s sales.

That would include companies like Barnes & Noble bookstore and online partner barnesandnoble.com, which is incorporated separately.

‘‘The public believes Barnes & Noble is barnesandnoble is Barnes & Noble, whether they see it on the corner or on the Internet," Assemblywoman Dion Aroner said.

She said many companies, such as Macy’s and Recreational Equipment Inc., that do business both in stores and online are collecting the tax.

A Silicon Valley lawmaker, Assemblyman Jim Cunneen, called the bill ‘‘a major mistake." California should wait for federal and multistate negotiations on the e-commerce tax issue to settle the issue, he said.

The bill was sought by Northern California Independent Bookstores and is supported by stores, labor groups and local governments. It is opposed by the American Electronics Association and the Silicon Valley Software Coalition.

‘‘We think California should try to be a home for e-commerce and try to be on the cutting edge, and we think this would put California at a competitive disadvantage," said Chris Shultz of the American Electronics Association.

Neil Austin of the National Conference of State Legislatures expects other states will follow California’s lead. ‘‘I think the states have been waiting for someone to start," he said.

"Donald Duck" Virus On The Loose

There is a new virus propagating in the Philippines, but this time it is not as dangerous as the "Love" bug that plagued corporate computer systems earlier in the year.

According to the National Infrastructure Protection Center (NIPC), the bug is named "Donald Duck," after the Disney character, and arrives with the subject line "erap estrada"--the nickname of Philippine president Joseph Estrada.

Over the weekend, the NIPC Watch Office received word that a Trojan horse was reported in the wild in the Philippines, meaning it is attacking computer systems after it arrives in an email attachment.

Once the attachment is opened, the "DonaldD.trojan," is executed and--like the Love bug--can collect usernames and passwords from the victim.

"Currently, the Trojan horse is proliferating mainly in the Philippines and is considered a low threat to the United States by the antivirus industry," the NIPC wrote in its virus warning on the DonaldD.Trojan late Friday.

Updated commercial antivirus software will detect the DonaldD.trojan, the NIPC said.

"There have been no reports on this in the United States," said Dyan Dyer, chief executive of antivirus firm Command Software Systems. Nonetheless, Dyer said computer users should exercise caution when returning to work after the Labor Day weekend and read title lines and be suspicious of any Disney characters or references to the Philippine president.

The "I Love You" virus, unleashed in May, rapidly replicated itself via email, overloading corporate email systems in many countries and causing damage estimated in the billions of dollars by some experts.

AOL in Talks with Several Carriers

America Online Inc. is in talks with several firms in search of deals to help it tap into the booming mobile phone marketplace, AOL executive Dennis Patrick said in an interview on Tuesday.

Internet companies are rushing to pair up with wireless providers in an attempt to deepen customer relationships and increase Internet usage in the United States while adding subscribers abroad.

‘‘We are having ongoing talks," Patrick, who is president of AOL’s wireless unit, told Reuters. ‘‘We have not announced any intention to buy networks or anything of that sort. We have been very open about the fact that our preferred strategy both domestically and internationally is to partner with the carriers.

‘‘We don’t underestimate the difficulty and the capital intensity of

building these wireless networks, so our position both publicly and privately is that we would like to partner with carriers to find ways to better service the wireless subscribers of the carriers as well as, of course, our members," he said.

Many companies are aggressively marketing Internet services and content via wireless, especially in Europe.

Among them are Spanish telephone giant Telefonica and its Internet arm Terra Networks SA, which recently agreed to buy U.S. Internet media network Lycos Inc., and T-Online AG, a unit of German telecom giant Deutsche Telekom.

In Japan, Dulles, Va.-based AOL has reportedly teamed up with NTT DoCoMo Inc. to provide AOL services to NTT clients. However, the company has not officially announced the partnership.

AOL and leading Internet media network Yahoo! Inc. have paid big sums of money for deals with carriers such as Sprint PCS Group and AT&T Wireless Group Inc. in the U.S. to secure a prominent display on wireless devices' highly coveted small screens, offering content and services including news and e-mail.

As they enter the wireless battleground, Internet leaders will be forced to compete on unfamiliar turf, obliged to take on wireless-only players as well as traditional rivals.

AOL has already linked up with one new rival, OmniSky Corp., which offers wireless Internet services to hand-held mobile device users. OmniSky said Tuesday it agreed to deliver AOL content and services while AOL took a minority stake in Omnisky, which is preparing an initial public sale of stock.

AOL, whose merger with media giant Time Warner Inc. is expected to be completed in October, also has cut deals with Motorola Inc., BellSouth Corp. and paging services firm Arch Communications.

The Internet services giant plans to introduce a paging system that will deliver e-mail along with its popular instant messaging chat feature in the next few months, Patrick said.

AOL is likely to continue pursuing pacts similar to the one it forged with Sprint PCS because most users tend to gravitate to the choices presented by their carrier on the first screen that users see when they fire up their devices, said Joe Laszlo, analyst at Jupiter Communications.

Verizon Communications, Nextel Communications Inc. and VoiceStream Wireless Corp. would be logical U.S. partners for AOL, Laszlo said.

AOL has seen strong consumer demand in the wireless world for its wildly popular instant messaging feature, which enables tens of millions of Internet subscribers to swap quick messages with friends and family.

Many of AOL's rivals have called for the company to open up its system so that users of rival systems offered by Microsoft Corp., Yahoo and others can hook up with AOL users. The issue has come to a head as federal regulators review AOL's planned $129 billion merger with Time Warner.

The staff of the Federal Trade Commission, one of the government agencies reviewing the proposed AOL-Time Warner deal, wants major changes in the

merger plan to assure it complies with U.S. antitrust law, a source told Reuters on Tuesday. But the staff objections are not expected to delay the deal’s closing.

By combining instant messaging with the location-finding features offered in new portable phones, AOL hopes eventually to be able to deliver location-specific information to instant messaging users via its MapQuest online mapping and directions unit, Patrick said.

Instant messaging in the wireless realm is ‘‘not at all far off," he said.

While it may be a while before phones are used to go Internet shopping, AOL’s second version of its wireless portal, due out some time this winter, will include some commerce applications, Patrick added.

IBM Unveils New ThinkPad And Wireless Options

International Business Machines Corp. on Thursday unveiled a new line of notebook computers targeted at consumers along with new options for accessing the Internet and other networks wirelessly.

The ThinkPad i Series notebook computers will have a standard local area network wireless capability, which will allow for Internet access without a cable attached.

In addition, IBM said it would provide options for PC cards that will enable computers with Bluetooth technology, which allows a computer to be connected to printers and other nearby peripherals without cables.

‘‘Customers are looking for a way to disconnect from the wall, yet stay connected to their business or Internet," said Rick McGee, vice president, mobile brand marketing, IBM Personal Systems Group. ‘‘With the first-of-a-kind integrated wireless ThinkPad or the Bluetooth PC Card, growing businesses get easy access to corporate data without a large, complicated investment in network infrastructure."

IBM said it is working with companies such as WayPort and MobileStar in their efforts to create wireless systems in airports and hotels as well.

New ThinkPad i Series 1300 notebook computers will be available early fourth quarter starting at $1149. The new Bluetooth PC Card from IBM will be available in October starting at $189.

=~=~=~=

Atari Online News, Etc.is a weekly publication covering the entire Atari community. Reprint permission is granted, unless otherwise noted at the beginning of any article, to Atari user groups and not for profit publications only under the following terms: articles must remain unedited and include the issue number and author at the top of each article reprinted. Other reprints granted upon approval of request. Send requests to: dpj@delphi.com

No issue of Atari Online News, Etc. may be included on any commercial media, nor uploaded or transmitted to any commercial online service or internet site, in whole or in part, by any agent or means, without the expressed consent or permission from the Publisher or Editor of Atari Online News, Etc.

Opinions presented herein are those of the individual authors and do not necessarily reflect those of the staff, or of the publishers. All material herein is believed to be accurate at the time of publishing.